

ENTERED

November 09, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

OBEL CRUZ-GARCIA,

Petitioner,

v.

BOBBY LUMPKIN,
Director, Texas Department of
Criminal Justice, Correctional
Institutions Division

Respondent.

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CIVIL ACTION NO. 17-cv-3621

ORDER

On January 29, 2021, the Court stayed these proceedings to allow Petitioner Obel Cruz-Garcia to exhaust state court remedies. (Docket Entry No. 59). The Court ordered the parties to file a joint motion to reopen and joint proposed scheduling order at the conclusion of state review. On October 6, 2021, the Texas Court of Criminal Appeals dismissed Petitioner's successive habeas application as an abuse of the writ. *Ex parte Cruz-Garcia*, No. WR-85,051-05, 2021 WL 4571730 (Tex. Crim. App. Oct. 6, 2021).

The parties have filed a Joint Motion to Reopen and Proposed Scheduling Order. (Docket Entry No. 64). The Court **GRANTS** the parties' motion to reopen. **The Court directs the Clerk to reopen this case.**

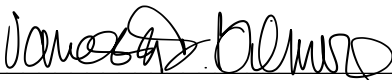
Pursuant to the proposal submitted by the parties, the Court **ORDERS** that parties shall abide by the following schedule:

- Petitioner shall submit a Second Amended Petition and supporting legal memorandum no later than **February 18, 2022**. The amended petition shall address the seven issues identified on page 4 of this Court's order dated April 30, 2020. (Docket Entry No. 33).

- Respondent shall submit an Answer or Motion for Summary Judgment in response to Petitioner's Second Amended Petition and supporting legal memorandum within **120 days** of the filing of the Second Amended Petition.
- Petitioner shall submit a Reply in support of his Second Amended Petition and supporting legal memorandum within **60 days** of the filing of Respondent's Answer or Motion for Summary Judgment.

The Clerk shall enter this Order and provide a copy to the parties.

SIGNED this 9th day of November, 2021, at Houston, Texas.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE